

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

ROSA MARIA QUIROZ,

Plaintiff,

v.

WALMART, INC.,

Defendant.

§  
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§  
§  
§  
§  
§  
§

**Cause No.:** \_\_\_\_\_

**DEFENDANT'S NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

**COMES NOW**, WALMART, INC., Defendant in the above-entitled and captioned cause, and pursuant to 28 U.S.C. § 1441, files this Notice of Removal ("Notice") based on diversity of citizenship jurisdiction under 28 U.S.C. § 1332. In support of this Notice, Defendant would respectfully show the Court as follows:

**I.  
FACTUAL BACKGROUND**

1. This lawsuit was originally filed under Cause No. 2019DCV4955, and styled *Rosa Maria Quiroz v. Walmart Inc.*, in the 120th District Court of El Paso County Texas ("State Court Action"). The State Court Action arises out of an alleged personal injury that occurred on or about December 30, 2017 at Defendant's 10727 Gateway W. Blvd. store in El Paso County, Texas. Plaintiff alleges that an employee of Defendant caused a "box [to] fall upon her back and foot/ankle." Pl's. Orig. Pet. at ¶ 5. As a result, Plaintiff claims Defendant was negligent. *Id.* at ¶ 6.

2. A true and correct copy of the docket sheet from the State Court Action is attached as "Exhibit A." Pursuant to 28 U.S.C § 1446(a), a true and correct copy of all process, pleadings and orders in the State Court Action are being filed with this Notice as "Exhibit B." The Texas

Secretary of State Form 406, filed on December 15, 2017, indicating that Walmart Inc. is Wal-Mart Stores, Inc.'s new name, is attached hereto as "Exhibit C." The Affidavit of Geoffrey W. Edwards is attached hereto as "Exhibit D." The CT Corporation Service Document showing service of Plaintiff's Petition on Defendant is attached hereto as "Exhibit E."

3. Plaintiff alleges, in her Original Petition, that she is "a resident of the County of El Paso, Texas." Ex. B, Pl.'s Orig. Pet. at ¶ 2. Moreover, Plaintiff has a Social Security number, with the last three digits being 914. *Id.* As such, Defendant alleges that Plaintiff is, in fact, a citizen of the State of Texas.

4. On the contrary, Defendant Walmart Inc. is not a Texas citizen. That is, Walmart Inc. is the new name of Wal-Mart Stores, Inc., a corporation formed under the laws of the State of Delaware with its principal place of business in Arkansas. *See* Ex. C, D at ¶ 3.

5. Plaintiff filed the State Court Action on December 30, 2019. Ex. A. Defendant was served on January 14, 2020. Ex. E. Defendant filed its Original Answer on January 16, 2020. *Id.* Plaintiff seeks damages in an amount "over \$200,000.00." Ex. B, Pl.'s Orig. Pet. at ¶ 4.

## **II. BASIS FOR REMOVAL**

6. This case is being removed based on diversity of citizenship jurisdiction under 28 U.S.C. § 1332 and pursuant to 28 U.S.C. § 1441(a). Any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendants to the district court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. § 1441(a). The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of a State and citizens of different States. 28 U.S.C. § 1332(a)(1).

7. Diversity of citizenship is determined at the time that the plaintiff filed the lawsuit. *Freeport-McMoran, Inc. v. K N Energy, Inc.*, 498 U.S. 426 (1991). The evidence attached to this Notice affirmatively establishes that Plaintiff was a citizen of Texas and that Defendant was a citizen of the Delaware and Arkansas on the date that Plaintiff filed her Original Petition. *See* Ex. B-D. Accordingly, the parties are completely diverse in citizenship.

8. Furthermore, Plaintiff seeks damages of “over \$200,000.00,” a sum greater than \$75,000.00. Ex. B, Pl’s. Orig. Pet. at ¶ 4. Therefore, because Plaintiff and Defendant are diverse and because the amount in controversy is satisfied, this Honorable Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332(a)(1).

### **III. PROCEDURE**

9. The notice of removal of civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action of proceeding is based. 28 U.S.C. § 1446(b)(1). A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than one year after the commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action. *Id.* at § 1446(c)(1).

10. Defendant was served by Certified Mail on January 14, 2020. Ex. E. Accordingly, this Notice is timely filed pursuant to 28 U.S.C. § 1446(b)(1).

11. Venue of this action is proper in this Honorable Court pursuant to 28 U.S.C. § 1441(a) as the El Paso is the District and Division where the State Court Action is pending.

12. Pursuant to 28. U.S.C. § 1446(d), Defendant will promptly give all parties written notification of the filing of this Notice, and will also promptly file a copy with the District Clerk of El Paso County, Texas where the State Court Action is currently pending.

**IV.  
JURY DEMAND**

13. Defendant asked for a state court jury trial and asks for a jury trial in this Court.

**WHEREFORE, PREMISES CONSIDERED,** Defendant respectfully prays that all parties take notice of the above and forgoing removal, that pursuant to the above-referenced authorities this Honorable Court exercise jurisdiction over the parties and subject matter in this case, and that Defendant be granted such other and further relief, general or special, legal or equitable, to which it may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN**  
A Professional Corporation  
P. O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Telefax: (915) 541-1597

By: /s/ Laura Enriquez  
**Laura Enriquez**  
State Bar No. 00795790  
enriquez@mgmsg.com

Attorneys for Walmart Inc.

**CERTIFICATE OF SERVICE**

In compliance with the Federal Rules of Civil Procedure, I certify that on the 17th day of January, 2020, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Robert E. Riojas, Esq.  
Riojas Law Firm, P.C.  
2035 Grant Avenue  
El Paso, Texas 79930-1016  
(915) 301-7819

/s/ Laura Enriquez  
**Laura Enriquez**

Location : All Courts Help

**CASE No. 2019DCV4955**

Case Type: **Other Injury or Damage**  
Date Filed: **12/30/2019**  
Location: **120th District Court**

**ROBERT E RIOJAS**  
*Retained*  
915-301-7819(W)

Unserved



El Paso County - 120th District Court

Filed 12/30/2019 12:52 PM

Norma Favela Barceleau  
District Clerk  
El Paso County  
2019DCV4955

CAUSE NO. \_\_\_\_\_

ROSA MARIA QUIROZ,	)	EL PASO COUNTY, TEXAS
	)	
Plaintiff,	)	_____ JUDICIAL DISTRICT COURT
	)	
vs.	)	
	)	
WALMART, INC.,	)	(JURY DEMANDED)
	)	
Defendant.	)	

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**

TO THE COURT:

COME NOW Plaintiff ROSA MARIA QUIROZ by and through her attorney, Robert E. Riojas, Riojas Law Firm, P.C., and files this Original Petition against Defendant WALMART INC. and in support of same would show as follows.

## I.

Discovery Control Plan

1. For purposes of Rule 190.1, Plaintiff asserts that a Level II discovery plan is appropriate. However, Plaintiff reserves the right to request amendment and entry of an order establishing a Level III discovery control plan.

## II.

Parties

2. Plaintiff ROSA MARIA QUIROZ is a resident of the County of El Paso, State of Texas. The last three numbers of Plaintiff's driver's license number are \_\_\_\_\_. The last three numbers of his Social Security number are 914.

3. Defendant WALMART, INC. is a domestic corporation of the County of El Paso, State of Texas. It can be served by serving its registered agent:



CT Corporation System,  
1999 Bryan St., Ste. 900  
Dallas, TX 75201-3136

III.  
Jurisdiction

4. This court is the proper venue because El Paso County, Texas is the county where the accident made the basis of this suit occurred. Therefore, jurisdiction and venue are proper. As a proximate result of said incident, damages in excess of the minimum jurisdictional limits of this Court were incurred by Plaintiff. Pursuant to Tex. R. Civ. P. 47, Plaintiff states that she seeks monetary relief over \$200,000.00 but less than \$1,000,000.00.

IV.  
Statement of Facts

5. This is a lawsuit arising from an accident which occurred on or about December 30, 2017 when Plaintiff was shopping at Defendant's store located at 10727 Gateway West Blvd. in El Paso County, Texas. On such date, while Plaintiff was walking down one of shopping aisles, an employee of Defendant caused a box a fall upon her back and foot/ankle. As a result of such incident, Plaintiff sustained injuries to her back and neck.

V.  
Cause of Action: Negligence

6. Plaintiff re-alleges all of the foregoing and assert that Defendant's conduct constitutes negligence. At the time of the occurrence described herein, Plaintiff was an invitee of Defendant. Thus, Defendant owed Plaintiff a duty to Defendant breached such duty in one or more of the following ways:

- a. Failing to properly train its employees;
- b. Failing to enact rules and procedures for the safe stacking of boxes;



c. Failing to secure the aisle way so that patrons/customers would not be injured by employees performing their work duties and stacking items at a dangerous height; and

d. Failing to provide a sufficient number of employees to perform the task safely; and

e. Other such ways as may be determined as discovery progresses.

7. Defendant is also vicariously responsible for the direct actions of its employee in causing the box to fall onto Plaintiff under respondeat superior.

8. Plaintiff will show that the aforementioned negligent conduct, either individually or in concert, constitutes negligence. Said conduct and actions and/or omissions were the proximate cause of the injuries and damages suffered by Plaintiff, as set forth herein.

#### VI.

#### Damages

9. Such negligence described above was the proximate cause of Plaintiff's injuries and which include physical pain and suffering, mental anguish, physical impairment, disfigurement, all in past and future. Plaintiff sustained medical expenses in the past for which she seeks compensation. In addition, Plaintiff will incur medical expenses in the future, for which she also seeks compensation.

#### VII.

#### Discovery

#### REQUEST FOR DISCLOSURE

10. Pursuant to Rule 194, Plaintiff requests that each Defendant disclose, within 51 days of service of this request, the information or material described in Rule 194.2.

#### VIII.

#### Rule 193.7 Notice

11. Pursuant to Rule 193.7, Plaintiff hereby gives actual notice that any and all documents produced by Defendants will be used at any pretrial proceedings and/or at the trial in this matter.

IX.  
Right to Amend

12. Plaintiff reserves the right to further amend this Petition as discovery is undertaken and more facts become known.

XI.  
Jury Demand

13. Plaintiff respectfully demands her right to have a trial by jury of 12 persons.

VIII.  
Conclusion and Prayer

14. WHEREFORE, Plaintiff requests Defendant WALMART, INC. to be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendant as follows:

- a. actual damages in a sum within the jurisdictional limits of the court;
- b. prejudgment interest as provided by law;
- c. post-judgment interest as provided by law;
- d. costs of suit; and
- e. such other and further relief to which Plaintiff may be justly entitled.

Plaintiff reserves the right to amend and/or modify her Petition as necessary or appropriately after additional or further discovery is completed in this matter.

Respectfully Submitted,

RIOJAS LAW FIRM, P.C.

***[s] Robert E. Riojas***

\_\_\_\_\_  
By: Robert E. Riojas  
Bar No. 00791531  
2035 Grant Avenue  
El Paso, Texas 79930-1016

Telephone: (915) 301-7819  
Facsimile No.: (915) 759-8665  
Email: [rriojas@riojaslawfirm.net](mailto:rriojas@riojaslawfirm.net)

El Paso County - 120th District Court

Filed 12/30/2019 12:52 PM

Norma Favela Barceleau

District Clerk

El Paso County

## CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

2019DCV4955

STYLED

Rosa M. Quiroz

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: ROBERT E. RIOJAS Email: rriojas@rriojaslawfirm.net Address: 2035 GRANT AVE. Telephone: (915) 301-7819 City/State/Zip: EL PASO, TEXAS 79930 Fax: (915) 759-8665 Signature: <u>[Signature]</u> State Bar No: 00791531		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): <u>Rosa M. Quiroz</u> Defendant(s)/Respondent(s): <u>Walmart, Inc.</u> [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce: <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

El Paso County - 120th District Court

Filed 12/30/2019 12:52 PM

Norma Favela Barceleau

District Clerk

El Paso County

19DCV4955

**EL PASO COUNTY, TEXAS****NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA**

Cause Number: \_\_\_\_\_

(The Clerk's office will fill in the Cause Number when you file this form)

Plaintiff: Rosa M. Quiróz

(Print first and last name of the person filing the lawsuit.)

In the

(check one):

☒ District CourtCourt  
Number☐ County Court / County Court at Law☐ Justice CourtDefendant: Walmart, Inc.

(Print first and last name of the person being sued.)

County

EL PASO

Texas

**Statement of Inability to Afford Payment of Court Costs or an Appeal Bond****1. Your Information**My full legal name is: Rosa M. Quiróz

First

Middle

Last

My date of birth is: 1/31/51

Month/Day/Year

My address is: (Home) 10020 FOOTHILL, EL PASO TX 79924(Mailing) SameMy phone number: 915-246-8504

My email: \_\_\_\_\_

About my dependents: "The people who depend on me financially are listed below."

Name	Age	Relationship to Me
1 <u>DANNY TORRES</u>	<u>14</u>	<u>Grandson</u>
2 <u>CASSIDI RODRIGUEZ</u>	<u>12</u>	<u>Granddaughter</u>
3 <u>EMILY I BARRA</u>	<u>7</u>	<u>Granddaughter</u>
4 <u>JARELY I BARRA</u>	<u>6</u>	<u>Granddaughter</u>
5 _____	_____	_____
6 _____	_____	_____

**2. Are you represented by Legal Aid?**

☐ I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.'

-or-

☐ I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

☒ I am not represented by legal aid. I did not apply for representation by legal aid.

**3. Do you receive public benefits?**

☐ I do not receive needs-based public benefits. - or -

☐ I receive these public benefits/government entitlements that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

☒ Food stamps/SNAP ☐ TANF ☐ Medicaid ☐ CHIP ☐ SSI ☐ WIC ☐ AABD

☒ Public Housing or Section 8 Housing ☐ Low-Income Energy Assistance ☐ Emergency Assistance

☒ Telephone Lifeline ☐ Community Care via DADS ☐ LIS in Medicare ("Extra Help")

☐ Needs-based VA Pension ☐ Child Care Assistance under Child Care and Development Block Grant

☐ County Assistance, County Health Care, or General Assistance (GA)

☐ Other: \_\_\_\_\_



**4. What is your monthly income and income sources?**

"I get this monthly income:

\$ \_\_\_\_\_ in monthly wages. I work as a none for \_\_\_\_\_  
Your job title Your employer

\$ \_\_\_\_\_ in monthly unemployment. I have been unemployed since (date) \_\_\_\_\_

\$ \_\_\_\_\_ in public benefits per month.

\$ 200.00 from other people in my household each month: (List only if other members contribute to your household income.)

\$ \_\_\_\_\_ from ☒ Retirement/Pension ☐ Tips, bonuses ☐ Disability ☐ Worker's Comp  
☐ Social Security ☐ Military Housing ☐ Dividends, interest, royalties  
☒ Child/spousal support  
☐ My spouse's income or income from another member of my household (If available)

\$ \_\_\_\_\_ from other jobs/sources of income. (Describe) \_\_\_\_\_

\$ \_\_\_\_\_ is my total monthly income.

**5. What is the value of your property?**

"My property includes:

Value\*

Cash \$ \_\_\_\_\_

Bank accounts, other financial assets \$ 100.00  
Wells Fargo

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Vehicles (cars, boats) (make and year) \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Other property (like jewelry, stocks, land, another house, etc.) \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Total value of property → \$ \_\_\_\_\_

**6. What are your monthly expenses?**

"My monthly expenses are:

Amount

Rent/house payments/maintenance \$ \_\_\_\_\_

Food and household supplies \$ 200.00Utilities and telephone \$ 300.00Clothing and laundry \$ 80.00

Medical and dental expenses \$ \_\_\_\_\_

Insurance (life, health, auto, etc.) \$ \_\_\_\_\_

School and child care \$ \_\_\_\_\_

Transportation, auto repair, gas \$ \_\_\_\_\_

Child / spousal support \$ \_\_\_\_\_

Wages withheld by court order \$ \_\_\_\_\_

Debt payments paid to: (List) \_\_\_\_\_ \$ \_\_\_\_\_

J.C. Penney's \$ 600.00

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Total Monthly Expenses → \$ \_\_\_\_\_

\*The value is the amount the item would sell for less the amount you still owe on it, if anything.

**7. Are there debts or other facts explaining your financial situation?**

"My debts include: (List debt and amount owed) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page. ☐**8. Declaration**

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

☒ I cannot afford to pay court costs.☐ I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.My name is Rosa M. Duran My date of birth is: 1/31/51My address is 10020 FOOT HILL EL PASO TX 79924

Street City State Zip Code Country

Signature Rosa M. Duran signed on 07/09/19 in EL PASO County, TX State

Month/Day/Year county name State

El Paso County - 120th District Court

Filed 1/2/2020 2:31 PM

Norma Favela Barceleau

District Clerk

El Paso County

2019DCV4955

**THE RIOJAS LAW FIRM, P.C.**

A Professional Corporation

Robert E. Riojas  
Licensed in Texas and New Mexico

2035 Grant Ave.  
El Paso, Texas 79930  
Telephone: (915) 301-7819  
Telecopier: (915) 759-8665  
Email: rriojas@riojaslawfirm.net

January 2, 2020

VIA E-FILE

To: Clerk, El Paso County  
El Paso County, Texas

Re: Rosa Maria Quiroz v. Walmart, Inc.  
Cause No. 2019DCV4955; In the 120<sup>th</sup> Judicial District Court

Attn: Clerk of the Court:

This office represents the Plaintiff in this case. We are requesting issuance of a citation in the above-referenced case. A file-stamped copy of the Petition is attached. The parties being served, and for which issuance is requested:

Walmart, Inc. c/o  
CT Corporation System,  
1999 Bryan St., Ste. 900  
Dallas, TX 75201-3136

The requested service can be emailed or mailed to the address above. Our office will then have a process server serve the citation. Please notify me of any associated fees.

Sincerely,

By: /s/ Robert E. Riojas

Robert E. Riojas

Attorney for Plaintiff

rriojas@riojaslawfirm.net

State Bar No. 00791531

2035 Grant Avenue

El Paso, Texas 79930

Telephone (915) 301-7819

Facsimile (915) 759-8665

## THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **Walmart, Inc.**, who may be served with process by serving its registered agent **CT CORPORATION SYSTEM** at **1999 BRYAN ST., STE. 900, DALLAS, TX 75201-3136**.

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition and Request for Disclosure** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **120<sup>th</sup> Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 30<sup>th</sup> day of December, 2019, by Attorney at Law, **ROBERT E. RIOJAS, 2035 GRANT AVE., EL PASO, TX 79930-1016** in this case numbered **2019DCV4955** on the docket of said court, and styled:

**Rosa Maria Quilroz**  
**VS**  
**Walmart, Inc.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition and Request for Disclosure** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 3<sup>rd</sup> day of January, 2020.

Attest: **NORMA FAVELA BARCELEAU**, District Clerk, El Paso County, Texas.

CLERK OF THE COURT  
**NORMA FAVELA BARCELEAU**  
District Clerk  
El Paso County Courthouse  
500 E. San Antonio Ave, RM 10  
El Paso Texas, 79901



By: *Lorraine Arellano* Deputy  
Lorraine Arellano

ATTACH  
RETURN RECEIPTS  
WITH

ADDRESSEE'S SIGNATURE  
Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ I mailed to \_\_\_\_\_

Defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the **Plaintiff's Original Petition and Request for Disclosure** attached thereto.

\_\_\_\_\_  
\*NAME OF PREPARER TITLE

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY STATE ZIP

\_\_\_\_\_  
TITLE



**RETURN OF SERVICE**

Delivery was completed on \_\_\_\_\_, delivered to \_\_\_\_\_  
\_\_\_\_\_ as evidence by Domestic Return Receipt PS Form 3811  
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned  
undelivered marked \_\_\_\_\_.

This forwarding address was provided: \_\_\_\_\_

El Paso County, Texas

By: \_\_\_\_\_

Deputy District Clerk

OR

\_\_\_\_\_  
Name of Authorized Person

By: \_\_\_\_\_

**VERIFICATION BY AUTHORIZED PERSON**

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person  
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am  
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and  
correct."

Subscribed and sworn to be on this \_\_\_\_ day  
of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

El Paso County - 120th District Court

Filed 1/16/2020 10:35 AM  
Norma Favela Barceleau  
District Clerk  
El Paso County  
2019DCV4955

IN THE 120TH JUDICIAL DISTRICT COURT

EL PASO COUNTY, TEXAS

ROSA MARIA QUIROZ,

Plaintiff,

v.

WALMART, INC.,

Defendant.

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**Cause No. 2019DCV4955**

**DEFENDANT'S JURY DEMAND AND SUBMISSION OF FEE**

COMES NOW, Defendant WALMART INC., having filed with the clerk of the court a written request for jury trial in compliance with Texas Rule of Civil Procedure 216(a), herewith deposit with the clerk the jury fee of FORTY DOLLARS (\$40.00). The clerk, pursuant to Texas Rule of Civil Procedure 216(b), is requested to promptly enter a notation of payment of such fee upon the court's docket sheet.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN**  
A Professional Corporation  
P. O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Telefax: (915) 541-1597  
enriquez@mgmsg.com

By: /s/ Laura Enriquez  
**Laura Enriquez**  
State Bar No. 00795790

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I certify that on this 16th day of January, 2020, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21 (f)(1), and served electronically to the following counsel of record:

Robert E. Riojas, Esq.  
Riojas Law Firm, P.C.  
2035 Grant Avenue  
El Paso, Texas 79930-1016  
(915) 301-7819

/s/ Laura Enriquez  
**Laura Enriquez**

El Paso County - 120th District Court

Filed 1/16/2020 10:34 AM  
Norma Favela Barceleau  
District Clerk  
El Paso County  
2019DCV4955

IN THE 120TH JUDICIAL DISTRICT COURT  
EL PASO COUNTY, TEXAS

ROSA MARIA QUIROZ,

Plaintiff,

v.

WALMART, INC.,

Defendant.

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**Cause No. 2019DCV4955**

**DEFENDANT'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW**, WALMART, INC. (proper entity being Wal-Mart Stores Texas, LLC), Defendant in the above-entitled and captioned cause and timely files its Original Answer to Plaintiff's Original Petition, and by its Original Answer, would respectfully show the Court as follows:

**I.**

Pursuant to Texas Rules of Civil Procedure 92, Defendant enters a General Denial Answer and places all of the matters pled by Plaintiff in this case in issue, demanding strict proof of all of Plaintiff's allegations made herein by a preponderance of the evidence as required by the Constitution and laws of the State of Texas.

**WHEREFORE, PREMISES CONSIDERED**, Defendant prays that it be allowed to go hence, without delay, and with its costs.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN**  
A Professional Corporation  
P. O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Telefax: (915) 541-1597  
enriquez@mgmsg.com

By: /s/ Laura Enriquez  
**Laura Enriquez**  
State Bar No. 00795790

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

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Robert E. Riojas, Esq.  
Riojas Law Firm, P.C.  
2035 Grant Avenue  
El Paso, Texas 79930-1016  
(915) 301-7819

/s/ Laura Enriquez  
**Laura Enriquez**

**Form 406**  
(Revised 05/11)

Submit in duplicate to:  
Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
512 463-5555  
FAX: 512/463-5709  
Filing Fee: See instructions



### Amendment to Registration

This space reserved for office use.

**FILED**  
In the Office of the  
Secretary of State of Texas

**DEC 15 2017**

**Corporations Section**

### Entity Information

1. The legal name of the filing entity is:

Wal-Mart Stores, Inc.

*State the name of the entity as currently shown in the records of the secretary of state.*

2. If the entity attained its registration under an assumed name, the qualifying assumed name as shown on the records of the secretary of state is:

3. The registration was issued to the entity on:

10/29/1974

mm/dd/yyyy

The file number issued to the filing entity by the secretary of state is: 003668006

### Amendments to Application

4. The registration is amended to change the legal name of the entity as amended in the entity's jurisdiction of formation. The new name is:

Walmart Inc.

5. The new name of the entity is not available for use in Texas or fails to include an appropriate organizational designation. Or, the entity wishes to amend the qualifying assumed name stated on its application for registration or amended registration. The assumed name the entity elects to adopt for purposes of maintaining its registration is:

6. The registration is amended to change the business or activity stated in its application for registration or amended registration. The business or activity that the entity proposes to pursue in this state is:

The entity certifies that it is authorized to pursue the same business or activity under the laws of the entity's jurisdiction of formation.



### Other Changes to the Application for Registration

7. The foreign filing entity desires to amend its application for registration to make changes other than or in addition to those stated above. Statements contained in the original application or any amended application are identified by number or description and changed to read as follows:

### Effectiveness of Filing (Select either A, B, or C.)

- A. ☐ This document becomes effective when the document is filed by the secretary of state.
- B. ☒ This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: 02/01/2018
- C. ☐ This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90<sup>th</sup> day after the date of signing is: \_\_\_\_\_

The following event or fact will cause the document to take effect in the manner described below:

### Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 12-14-2017

  
Signature of authorized person (see instructions)

Gordon Allison, Vice President  
Printed or typed name of authorized person.

**AFFIDAVIT**

**BEFORE ME**, the undersigned authority, on this day personally appeared Geoffrey W. Edwards, who being by me duly sworn, deposed as follows:

1. My name is Geoffrey W. Edwards. I am over twenty-one years of age, of sound mind, and capable of making this affidavit. I have never been convicted of any felony or a misdemeanor involving moral turpitude. The facts stated herein are within my personal knowledge and are true and correct.

2. I am acquainted with the facts stated in this Affidavit because I am Assistant Secretary and familiar with the corporate structure.

3. Wal-Mart Stores, Inc. is a corporation which was formed under the laws of the State of Delaware and whose principal place of business is in Bentonville, Arkansas.

4. Wal-Mart Stores Texas, LLC is a limited liability company which was formed under the laws of the State of Delaware and whose principal place of business is in Bentonville, Arkansas. Wal-Mart Real Estate Business Trust is the sole member of Wal-Mart Stores Texas, LLC. Wal-Mart Property Co. is the sole unit holder of Wal-Mart Real Estate Business Trust. Wal-Mart Stores East, LP is the sole owner of Wal-Mart Property Co. Wal-Mart Stores East, LP is a limited partnership which was formed under the laws of the State of Delaware and whose principal place of business is in Bentonville, Arkansas. WSE Management, LLC is the sole general partner, and WSE Investment, LLC is the sole limited partner, of Wal-Mart Stores East, LP. WSE Management, LLC and WSE Investment, LLC are both limited liability companies which were formed under the laws of the State of Delaware and whose principal place of business is in Bentonville, Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. Wal-Mart Stores East, LLC is a limited liability company whose principal place of business is in Bentonville, Arkansas. Wal-Mart Stores, Inc. is the sole member of Wal-Mart Stores East, LLC.

  
AFFIANT

SWORN TO AND SUBSCRIBED before me, the undersigned notary public, by Carol J. Haggard on this the 3rd day of May, 2017, to certify which witness my hand and official seal of office.

  
NOTARY PUBLIC, STATE OF ARKANSAS

My commission expires: 6-6-2024



CAROL J. HAGGARD  
BENTON COUNTY  
NOTARY PUBLIC -- ARKANSAS  
My Commission Expires June 6, 2024  
Commission No. 12399627





**Service of Process  
Transmittal**

01/14/2020

CT Log Number 536980756

**TO:** KIM LUNDY SERVICE OF PROCESS  
WALMART INC.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE:** Process Served in Texas

**FOR:** WALMART INC. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Quiroz Rosa Maria, Pltf. vs. Walmart Inc.

**DOCUMENT(S) SERVED:** Citation, Return, Petition

**COURT/AGENCY:** 120th Judicial District Court El Paso County, TX  
Case # 2019DCV4955

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 12/30/2017 - located at 10727 Gateway West Blvd, El Paso County, Texas

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Dallas, TX

**DATE AND HOUR OF SERVICE:** By Certified Mail on 01/14/2020 postmarked on 01/09/2020

**JURISDICTION SERVED :** Texas

**APPEARANCE OR ANSWER DUE:** At or Before 10:00 a.m. on the Monday next after the expiration of 20 days (Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Robert E. Riojas  
Riojas Law Firm, P.C.  
2035 Grant Avenue  
El Paso, TX 79930-1016  
915-301-7819

**ACTION ITEMS:** CT has retained the current log, Retain Date: 01/15/2020, Expected Purge Date: 01/20/2020  
Image SOP  
Email Notification, KIM LUNDY SERVICE OF PROCESS [ctlawsuits@walmartlegal.com](mailto:ctlawsuits@walmartlegal.com)

**SIGNED:** C T Corporation System  
**ADDRESS:** 1999 Bryan St Ste 900  
Dallas, TX 75201-3140

**For Questions:** 877-564-7529  
[MajorAccountTeam2@wolterskluwer.com](mailto:MajorAccountTeam2@wolterskluwer.com)

Page 1 of 1 / AA



Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.